

# ANNUAL TOWN MEETING

May 10, 2003

At a legal meeting of the inhabitants of the Town of Westford, qualified by law to vote in Town affairs, held at the Abbot School on Saturday, May 10, 2002, called to commence at 10:00 am, the following business was transacted:

Election officers, using voting lists, acted as tellers at the doors.

Ellen Harde, Town Moderator, called the meeting to order at 10:00 am.

It was voted unanimously to allow Town employees and consultants who are not residents to sit on Town Meeting floor and address the meeting.

It was voted unanimously to waive the reading of the words of the motions by the Moderator and accept the document, entitled "Annual Town Meeting Motions, Saturday, May 10, 2003."

## **ARTICLE 1: ACCEPTANCE OF TOWN REPORTS / Town Manager**

It was voted unanimously that the Town accept the Reports of Town Officers, Boards and Committees for the calendar year 2002, as printed in the Town Report.

## **ARTICLE 2: PROPERTY TAX EXEMPTION / Board of Assessors**

It was voted unanimously that the Town accept the provisions of Chapter 73, section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988 by providing for additional property exemptions for qualified residents who may be blind, elderly, surviving spouses or minors or are disabled veterans, and to increase the statutory exemption by 100%.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

## **ARTICLE 3: COMPENSATION PLAN AMENDMENT / Town Manager**

It was voted unanimously that the Town amend the Pay Classification Plan for non-unionized municipal employees as shown in the Finance Committee Report (Appendix "E") effective November 2002 as follows:

Senior Aide Outreach Worker	Min \$10.00 Max \$14.00 change position title to
Elder Outreach Coordinator	Min \$10.00 Max \$14.00
Call Firefighter	Min \$16.34 Max \$19.92 to
Call Firefighter	Min \$16.84 Max \$20.51 Per letter of Agreement
Call Ambulance Attendant	Min \$16.34 Max \$18.03 to
Call Ambulance Attendant	Min \$16.84 Max \$20.51 Per letter of Agreement

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

## **ARTICLE 4: FISCAL YEAR 2004 OPERATING BUDGET / Town Manager**

It was VOTED that the Town adopt as separate appropriations the recommendations listed in the report of Finance Committee, printed on pages 22 through 27, with the following amendments:

Department 152 Human Resources, Expenses shall read	\$260,334
Department 220 Fire Department, Personal Services shall read	\$1,787,559
Department 305 Westford Public Schools shall read	\$34,625,358
Department 310 Nashoba Valley Tech shall read as follows:	
Expense	\$490,421
Chapter 70 State Aid Pass Through*	\$156,722
Total	\$647,143
Department 610 Library, Personal Services shall read	\$891,744

\*Payment of this amount shall only be made if such payment is not made directly to the Nashoba Valley Technical High School by the Commonwealth as part of the Governor's approved budget.

totaling SEVENTY ONE MILLION, TWO HUNDRED FIFTY EIGHT THOUSAND, ONE HUNDRED SIXTY SIX (\$71,258,166) DOLLARS for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2003 through June 30, 2004, such sums to be expended for such purposes under the direction of the respective Town Officers, Boards and Committees and that all items be raised and appropriated except for the following:

Department 171 Conservation Commission: \$8000.00 shall be appropriated from Wetlands Protection Fees, Receipts Reserved for Appropriation  
 Department 230 Ambulance Enterprise Fund: \$350,000 shall be appropriated from Ambulance Revenue  
 Department 452 Water Enterprise: \$3,044,819.00 shall be appropriated From Water Revenue

So that the approved operating budget shall read:

#### **GENERAL GOVERNMENT**

122	SELECTMEN	
	Personal Services	-
	Expenses	13,000
	TOTAL	13,000
123	TOWN MANAGER	
	Personal Services	214,218
	Expenses	82,900
	TOTAL	297,118
131	FINANCE COMMITTEE	
	Personal Services	-
	Expenses	9,754
	Reserve Fund	192,000
	Transfers out	
	TOTAL	201,754

#### **132 FINANCE DEPARTMENT**

Personal Services	162,389
Expenses	10,270
Audit	30,750
TOTAL	203,409

#### **133 TOWN ACCOUNTANT**

Personal Services	157,350
Expenses	22,427
TOTAL	179,777

#### **141 BOARD OF ASSESSORS**

Personal Services	198,742
Expenses	25,000
TOTAL	223,742

#### **145 TAX COLLECTOR**

Personal Services	136,587
Expenses	66,025

	TOTAL	202,612	Expenses	115,200
			TOTAL	147,348
151	TOWN COUNSEL		<b>TOTAL GENERAL</b>	<b>3,181,652</b>
	Personal Services	--	<b>GOVERNMENT</b>	
	Expenses	120,000		
	TOTAL	120,000	<b>PUBLIC SAFETY</b>	
152	HUMAN RESOURCES		210 POLICE DEPARTMENT	
	Personal Services	171,165	Personal Services	3,135,322
	Expenses	260,334	Expenses	294,011
	Transfers out		TOTAL	3,429,333
	TOTAL	431,499		
155	TECHNOLOGY		220 FIRE DEPARTMENT	
	Personal Services	144,172	Personal Services	1,787,559
	Expenses	673,830	Expenses	164,111
	TOTAL	818,002	TOTAL	1,951,670
161	TOWN CLERK		241 BUILDING DEPARTMENT	
	Personal Services	130,919	Personal Services	249,418
	Expenses	25,290	Expenses	18,300
	TOTAL	156,209	TOTAL	267,718
170	PERMITTING DEPARTMENT		244 SEALER	
	Personal Services	41,930	WGHTS/MEASURE	
	Expenses	8,500	Personal Services	--
	TOTAL	50,430	Expenses	3,000
			TOTAL	3,000
171	CONSERVATION COMMISSION		291 EMERGENCY MANAGEMENT	
	Personal Services	62,157	Personal Services	2,000
	Expenses	12,250	Expenses	4,995
	TOTAL	74,407	TOTAL	6,995
174	PLANNING BOARD		292 ANIMAL CONTROL	
	Personal Services	40,000	Personal Services	111,550
	Expenses	17,945	Expenses	11,196
	TOTAL	57,945	Offset	(52,000)
			TOTAL	70,746
176	ZONING BOARD OF APPEALS		294 TREE WARDEN	
	Personal Services	--	Personal Services	2,000
	Expenses	4,400	Expenses	39,492
	TOTAL	4,400	TOTAL	41,492
184	CATV		<b>TOTAL PUBLIC SAFETY</b>	<b>5,770,954</b>
	Personal Services	--	<b>EDUCATION</b>	
	Expenses	--	305 WESTFORD PUBLIC SCHOOLS	34,625,358
	TOTAL	--		
192	TOWN HALL MAINTENANCE		310 NASHOBA TECH	
	Personal Services	32,148	Expenses	490,421

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Ch 70 State Aid Pass Through*	156,722
TOTAL	647,143
<b>TOTAL EDUCATION</b>	<b>35,272,501</b>

**PUBLIC WORKS**

421 HIGHWAY DEPARTMENT	
Personal Services	1,270,355
Expenses	893,045
TOTAL	2,163,400
427 STORMWATER MANAGEMENT	
Personal Services	--
Expenses	75,000
TOTAL	75,000
431 SOLID WASTE/RECYCLE	
Solid Waste Expenses	1,763,400
Recycling Expenses	147,360
Offset/Revolving	(10,000)
TOTAL	1,900,760
491 CEMETERY DEPARTMENT	
Personal Services	--
Expenses	19,600
TOTAL	19,600
<b>TOTAL PUBLIC WORKS</b>	<b>4,158,760</b>

**HEALTH & HUMAN SERVICES**

510 BOARD OF HEALTH	
Personal Services	276,926
Expenses	49,500
TOTAL	326,426
539 ADULT SUPPORTIVE DAY CARE	
Personal Services	59,972
Expenses	6,250
Offset/Revolving	(23,000)
TOTAL	43,222
540 SENIOR CENTER	

Personal Services	54,411
Expenses	45,412
TOTAL	99,823

541 COUNCIL ON AGING	
Personal Services	160,035
Expenses	48,298
TOTAL	208,333

542 VETERANS SERVICES	
Personal Services	11,000
Expenses	27,000
TOTAL	38,000

<b>TOTAL HEALTH &amp; HUMAN SVCS</b>	<b>715,804</b>
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**CULTURE & RECREATION**

610 LIBRARY	
Personal Services	891,744
Expenses	280,081
TOTAL	1,171,825

630 RECREATION	
Personal Services	153,846
Expenses	22,833
TOTAL	176,679

650 PARKS	
Personal Services	183,046
Expenses	32,042
Offset	(32,042)
TOTAL	183,046

670 HISTORICAL COMMISSION	
Personal Services	--
Expenses	12,250
TOTAL	12,250

673 ROUDENBUSH COMM CTR	
Personal Services	57,680
Expenses	--
Offset	(57,680)
TOTAL	--

692 MEMORIAL DAY CELEBRATION	
Personal Services	--
Expenses	2,900
TOTAL	2,900

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\* Payment of this amount shall only be made if such payment is not made directly to the Nashoba Valley Technical High School by the Commonwealth as part of the Governor's approved budget.

693 CULTURAL COUNCIL  
 Personal Services --  
 Expenses --  
 TOTAL --

**TOTAL CULTURE & RECREATION 1,546,700**

**DEBT SERVICE**

910 DEBT SERVICE  
 Principal & Interest 11,581,130

**TOTAL DEBT SERVICE 11,581,130**

**UNCLASSIFIED**

911 EMPLOYEE BENEFITS & MISC 5,301,629

**TOTAL UNCLASSIFIED 5,301,629**

**TOTAL GENERAL FUND 67,529,130**

**AMBULANCE ENTERPRISE FUND**

230 AMBULANCE ENTERPRISE  
 Personal Services 461,735  
 Expenses 222,482  
 Capital --  
 TOTAL 684,217

**WATER ENTERPRISE FUND**

452 WATER ENTERPRISE FUND  
 Personal Services 832,743  
 Expenses 1,410,464  
 Capital 801,612  
 TOTAL 3,044,819

**TOTAL ENTERPRISE FUNDS 3,729,036**

**TOTAL OPERATING BUDGET 71,258,166**

*Selectmen Recommend Approval (except for amendment to Library budget)*  
*Finance Committee Recommends Approval (except for amendment to Library budget)*

A MOTION to amend the article by designating free cash as the source for the increased Library budget FAILED for lack of majority.

**ARTICLE 5: APPROPRIATION FOR FRESHMAN SPORTS AT WESTFORD ACADEMY / By Petition**

It was voted unanimously to dismiss this article, since Freshman sports were placed back into the school budget.

**ARTICLE 6: FISCAL YEAR 2003 SUPPLEMENTAL APPROPRIATIONS / Town Manager**

It was voted unanimously to dismiss this article.

**ARTICLE 7: FISCAL YEAR 2003 TRANSFERS / Town Manager**

It was voted unanimously that the Town transfer the sum of ONE HUNDRED TWENTY SEVEN THOUSAND, NINE HUNDRED SEVENTY SEVEN (\$127,977.00) DOLLARS from and to the following Fiscal Year 2003 accounts in the following amounts:

\$35,000 from 170 Permitting, Personal Services to 151 Town Counsel, Expenses  
 \$10,000 from 510 Board of Health, Personal Services to 151 Town Counsel, Expenses  
 \$30,000 from 630 Recreation, Personal Services to 151 Town Counsel, Expenses  
 \$15,000 from 123 Town Manager, Personal Services to 192 Town Hall, Expenses  
 \$5,000 from 141 Assessors, Personal Services to 192 Town Hall, Expenses  
 \$20,000 from 174 Planning Board, Personal Services to 192 Town Hall Expenses  
 \$ 1,000 from 171 Conservation Commission, Personal Services to 132 Finance

Department, Expenses  
\$ 1,500 from 220 Fire Department, Personal Services to 220 Fire Department, Expenses  
\$6,791 from 542 Veterans Services, Personal Services to 292 Animal Control,  
Personal Services  
\$3,686 from 542 Veterans Services, Personal Services to 310 Nashoba Tech

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

#### **ARTICLE 8: REVOLVING FUNDS / Town Manager**

It was voted that the Town, pursuant to Mass. General Laws (MGL), Chapter 44, Section 53E(1/2), establish revolving funds for the following departments for the specific purposes outlined below for the fiscal year beginning July 1, 2003 and ending June 30, 2004:

- A. Council On Aging – Adult Supportive Day Care Center**  
Fees received for the Supportive Day Care Program for the purpose of program maintenance and the hiring of necessary personnel and consulting services, said expenditures to be approved by the Council on Aging; and not to exceed SIXTY THOUSAND (\$60,000) DOLLARS during fiscal year 2004.
- B. Recycling Commission**  
Revenues received from the sale of recycled materials to meet the expenses of the recycling program, said expenditures to be approved by the Recycling Commission; and not to exceed THIRTY ONE THOUSAND FIVE HUNDRED (\$31,500) DOLLARS during fiscal year 2004.
- C. Recreation Commission-Programs**  
Fees received for recreation programs for the purpose of program maintenance and the hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Commission; and not to exceed TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS during fiscal year 2004.
- D. Recreation Commission-Field Maintenance**  
Fees received for Field Rental for the purpose of field maintenance and related hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Commission and not to exceed ONE HUNDRED FIFTY THOUSAND (\$150,000) DOLLARS during fiscal year 2004.
- E. Cultural Council-Programs**  
Fees received for admission to cultural events for the purpose of continuing the support of the arts in Westford, said expenditures to be approved by the Westford Cultural Council and not to exceed FIVE THOUSAND (\$5,000.00) DOLLARS during fiscal year 2004.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

#### **ARTICLE 9: HIGHWAY DEPARTMENT CHAPTER 90 FUNDS / Town Manager**

It was voted unanimously that the Town appropriate the sum of TWO HUNDRED NINE THOUSAND TWENTY EIGHT DOLLARS AND NINE CENTS (\$209,028.09) from the proceeds due the Town under the provisions of Chapter 53C of the acts of 1999.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 10: HIGHWAY DEPARTMENT CHAPTER 90 FUNDS / Town Manager**

It was voted unanimously that the Town appropriate the sum of FOUR HUNDRED EIGHTEEN THOUSAND FIFTY SIX DOLLARS AND NINETEEN CENTS (\$418,056.19) from the proceeds due the Town under the provisions of Chapter 246A of the Acts of 2002.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 11: BROOKSIDE MILL / Town Manager**

It was voted that the Town raise and appropriate the sum of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000) for the acquisition of three (3) affordable rental units and the reduction in the market cost of five (5) affordable units for home ownership at Brookside Mill;

And to waive the Building Department fees associated with the Brookside Mill;

And authorize the Board of Selectmen to enter into any agreements and take any actions which are necessary to facilitate the acquisition of said units by the Westford Housing Authority.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 12: RESCIND ARTICLE MAY 2002 / Town Manager**

It was voted unanimously that the Town rescind Article 22 Brookside Mill approved at the May 11, 2002 Annual Town Meeting.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 13: BROOKSIDE MILL DAM REPAIRS / Town Manager**

It was voted unanimously that the Town appropriate the sum of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) to pay for the installation of public improvements, including but not limited to the costs of repairs to the dam on Stony Brook at the Brookside Mill, and acquisition of sidewalk easements, including all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7 or any other applicable statute.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

A motion was made and Seconded under ARTICLE 14 and after some discussion it was tabled until after lunch.

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Town Meeting then recognized Wilbert L. Vaughn for 42 years of service as a Registrar and Census taker and H. Arnold Wilder for 53 years of service as an Election Officer for the Town of Westford.

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Town Meeting then voted unanimously to adopt the following RESOLUTION presented by the School Committee:

Resolved to rename the new middle school located on the Farmer Parcel off Groton Road the Stony Brook School.

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The School Committee then presented the Gordon B. Seavey award to teachers Carol Shestok, Jeanette Wilkinson and Joanne Simon for their work on the “Living Lab.”

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The meeting adjourned from 12:40pm until 1:50pm for lunch.

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It was voted to remove ARTICLE 14 from the table.

**ARTICLE 14: CAPITAL REQUESTS / Various Departments**

It was voted by a two-thirds majority that the town appropriate from the Stabilization Fund the sum of SIX HUNDRED FOUR THOUSAND, TWO HUNDRED SEVENTY FIVE (\$604,275.00) DOLLARS to provide for the capital requests of the following Town departments in the following amounts:

Technology	\$147,320.00
Town Clerk	\$ 4,100.00
Police Department	\$162,855.00
Highway Department	\$200,000.00
Westford Public Schools	\$ 90,000.00

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 15: SCHOOL BUILDINGS AND FACILITY REPAIRS / Selectmen**

It was voted unanimously to dismiss this article. The Abbot School elevator repairs will be held off; boiler replacement for the Day School will come from other sources; and the Day School generator repairs are within the operating budget.

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 16: ACCEPTANCE OF MGL CHAPTER 140, SECTION 139 / Town Clerk**

It was voted unanimously that the Town accept the provisions of Massachusetts General Laws, Chapter 140, Section 139, as amended which adds the following statutes after the third sentence, “No fee shall be charged for a license for a dog owned by a person 70 years of age or over in a city or town that accepts the provision.”

*Selectmen Recommend Approval; Finance Committee Recommends Approval*

**ARTICLE 17: AMENDMENT TO CHAPTER 1, SECTION 1.4 OF GENERAL BYLAWS / Conservation Commission**

It was voted unanimously to dismiss this article upon request of the Conservation Commission, who needed more time to work on the article.

**ARTICLE 18: SCENIC ROAD BYLAWS / By Petition**



It was voted unanimously to dismiss this article, since the petitioners learned that the Town does not have the authority to designate a state numbered road as scenic. An act of legislation is required.

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Town Meeting then voted to adopt the following RESOLUTION:

In order to maintain Westford as a desirable place to live, all attempts must be made to minimize the flow of commercial traffic onto residential and neighborhood roads by having traffic generated from areas zoned Commercial Highway flow onto the nearest commercial roads.

And be it further resolved that the Traffic Committee is requested to address the issue of traffic flowing from areas zoned Commercial Highway onto residential roads as well as all of the traffic related issues outlined in the Westford Master Plan Implementation Strategy; and that the Traffic Committee publishes its information on the Town of Westford web site.

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A MOTION was made and seconded to take articles 24-27 out of order. The motion FAILED for lack of majority.

**ARTICLE 19. CHANGE OF ZONING CLASSIFICATION / Planning Board**

It was voted unanimously that the Town will vote to amend, under Mass. General Laws Chapter 40A, the Westford Zoning Bylaw and Zoning Map described in Section 2.2 of the Zoning By-law, to change the zoning classification from Residential B (RB) to Business (B), for a portion of land located on numbers 2 and 4 East Prescott Street shown on Assessors Map 57 as parcels 105 and 106;

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

**ARTICLE 20: AMENDMENT TO ZONING BYLAW / TABLE OF DIMENSIONAL AND DENSITY REGULATIONS / Planning Board**

It was voted unanimously that the Town vote to amend, under Mass. General Laws Chapter 40A, the Westford Zoning Bylaw described in Appendix C Table of Dimensional and Density Regulations of the Zoning Bylaw, as follows;

Delete Footnote 16 and replace it with the text:

“When wetlands, as defined under this chapter and/or M.G.L c. 131, s. 40, occur on a lot: The open space requirements for lots requiring 50% open space shall be calculated as follows:  $OS = 0.50(TLA - W)$ . Lots requiring thirty (30) percent open space shall be calculated as follows:  $OS = 0.30(TLA - W)$ , where OS = required non-wetland open space areas; TLA = total land area in the parcel; W = total wetland area in the parcel.”

Delete Footnote 18 in its entirety;

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

**ARTICLE 21: AMENDMENT TO ZONING BYLAW AND MAP / Planning Board**

It was voted unanimously that the Town vote to amend, under Mass. General Laws Chapter 40A, the Westford Zoning Bylaw and Zoning Map described in Section 2.2 of the Zoning Bylaw, to delete the disclaimer on the zoning map and replace it with the following text:

Disclaimer: ~~This is a generalized Zoning Map for Information only. All site-specific questions regarding allowable uses must be directed to the Building Commissioner in writing, Town Hall, 55 Main Street, Westford MA, 01886. No financial decisions should be made on the basis of this map. The Town assumes no legal responsibility for the information shown on this map.~~

The strikethrough text refers to text that was approved at Town Meeting but disallowed by the Attorney General's office.

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

**ARTICLE 22: AMENDMENT TO ZONING BYLAW / Planning Board**

It was voted unanimously that the Town vote to amend, under Massachusetts General Laws Ch. 40A the Westford Zoning By-law and the Zoning Map described in Section 2.2 of the Zoning By-law (as most recently amended), so as to change the zoning classification from Residential A (RA) to Business (B) – the following described portion of the land located at 90 Tyngsboro Road, shown on Assessor's Map 47 as Parcel 13. Said portion is shown as "Zone B, 14,000 S.F., 0.32 Ac." on a plan of land entitled: "Rezoning Plan, Scale 1" = 20' April 29, 2003, 90 Tyngsborough Road Westford, MA prepared for: Arthur Warchol", prepared by LandTech Consultants, Inc., a true copy of which is on file with the office of the Town Clerk. Said "Zone B" portion contains 0.32 acres of land according to said plan.

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

**ARTICLE 23: AMENDMENT TO ZONING BYLAW / Planning Board**

It was voted unanimously that the Town vote to amend, under Mass General Laws Ch. 40A, the Westford Zoning By-law and the Zoning Map, described in Section 2.2 of the Zoning By-law, as most recently amended, to change the zoning classification from Business (B) to Residential A (RA) the following described portion of the land located at 90 Tyngsboro Road, shown on Assessors Map 47 as Parcel 13. Said portion is shown as "Zone RA, 67,226 S.F., 1.55 Ac." on a plan of land entitled: "Rezoning Plan, Scale: 1" = 20' April 29, 2003, 90 Tyngsborough Road, Westford, MA prepared for: Arthur Warchol", prepared by LandTech Consultants, Inc., a true copy of said plan is on file with the office of the Town Clerk. Said "Zone RA" parcel contains 1.55 acres according to said plan.

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

**ARTICLE 24: LAND GIFT FROM SINWM ASSOCIATES / Planning Board**

It was voted that the Town will vote to authorize the Board of Selectmen, pursuant to Mass. Gen. Laws c. 40 sec. 14, to accept as a gift of land from SINWM Associates/SINWM Associates II, a deed for parcels of land located off Littleton Road containing approximately 3 acres, consisting of portions of Town of Westford Assessors' Map Number 11, Parcel 90 and 91, and also identified as

being shown as Parcels S-2, S-3 and S-4 on a plan entitled "Concept Plan Proposed Route 225 Bypass Road Land Transfer, Westford Massachusetts" prepared by Meridian Associates, dated March 2003;

And authorize the Board of Selectmen, in the alternative, to accept a deed for the parcels substantially similar to the parcel shown on the said concept plan;

And authorize the Board of Selectmen to enter into any agreements and actions which are necessary to facilitate the acquisition of said land by the Town.

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

A MOTION was duly made and seconded to AMEND the main motion by adding the following language to the end of the article: "No use, change, or development of the accepted land is allowed without approval by a future town meeting." The motion initially passed by a majority.

Following a brief meeting of the Planning Board, a MOTION was duly made and seconded to WITHDRAW articles 24-26 in light of the restrictions that the approved amendment would place on the Planning Board when considering development that includes these parcels of land. The Motion FAILED for lack of majority.

It was then VOTED to RECONSIDER the amendment.

Upon RECONSIDERATION, the amendment that had previously passed FAILED for lack of majority by a counted vote of 61 in favor to 113 opposed.

A RESOLUTION was proposed that the Planning Board and Board of Selectmen come before a future Town Meeting with any tentative plans regarding Articles 24, 25, or 26. The resolution FAILED for lack of majority.

**ARTICLE 25: LAND GIFT FROM NASHOBA VIEW ASSOCIATES / Planning Board**

It was voted that the Town vote to authorize the Board of Selectmen, pursuant to Mass. Gen. Laws c. 40 sec. 14, to accept as a gift of land from Nashoba View Associates, LLC, a deed for parcels of land located off Robbins Road containing approximately 2.5 acres consisting of Westford Assessors' Map Number 11 Parcel 86.11 and a portion of Map Number 11, Parcel 89, and also identified as being shown as Parcels C-1 and C-3 on a plan entitled "Concept Plan Proposed Route 225 Bypass Road Land Transfer Westford, Massachusetts" prepared by Meridian Associates, dated March 2003,;

And authorize the Board of Selectmen, in the alternative, to accept a deed for the parcels substantially similar to the parcel shown on the said concept plan;

And authorize the Board of Selectmen to enter into any agreements and actions which are necessary to facilitate the acquisition of said land by the Town.

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

**ARTICLE 26: LAND GIFT FROM WESTFORD WEST REALTY TRUST / Planning Board**

It was voted that the Town authorize the Board of Selectmen, pursuant to Mass. Gen. Laws c. 40 sec.14, to accept as a gift of land from Westford West Realty Trust, a deed for a parcel of land located westerly of Concord Road and Powers Road containing approximately 3.52 acres consisting of a portion of Westford Assessors' Map Number 11, Parcel 86.6 and also identified as being shown as Parcel G-1 on a plan entitled "Concept Plan Proposed Route 225 Bypass Road Land Transfer, Westford, Massachusetts" prepared by Meridian Associates, dated March 2003:

And authorize the Board of Selectmen, in the alternative, to accept a deed for a parcel substantially similar to the parcel shown on the said concept plan;

And authorize the Board of Selectmen to enter into any agreements and actions which are necessary to facilitate the acquisition of said land by the Town.

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

A MOTION was duly made and seconded to authorize the Conservation Commission to accept the gift of land in place of the Selectmen and to delete the last sentence in the motion. The motion was declared by the Moderator to be outside of the scope of the warrant article and therefore OUT OF ORDER.

**ARTICLE 27: AMENDMENT TO ZONING BYLAW / Planning Board**

It was voted by a counted two-thirds majority (104 in favor to 48 opposed) that the Town vote to amend, under Mass. General Laws Chapter 40A, the Westford Zoning Bylaw and Zoning Map described in Section 2.2 of the Zoning By-law;

- a) To change the zoning classification from Industrial Highway (IH) to Commercial Highway (CH), for the land situated southerly of Littleton Road, being a portion of the land shown as Westford Assessors' Map Number 11, Parcel 90 and also identified as Parcels S-4 and S-5 on a plan entitled "Proposed Land Transfer Sketch Plan for SINWIM Associates and Nashoba View Associates, LLC" prepared by Meridian Associates dated March 2003;
- b) To change the zoning classification from Industrial Highway (IH) to Commercial Highway (CH), for the land situated westerly of Robbins Road being a portion of the land shown as Westford Assessors' Map Number 11, Parcel 89 and also identified as Parcels C-1 and C-2 on a plan entitled "Proposed Land Transfer Sketch Plan for SINWIM Associates and Nashoba View Associates, LLC" prepared by Meridian Associates dated March, 2003;

*Planning Board Recommends Approval; Board of Selectmen Recommend Approval*

It was voted to adjourn the Annual Town Meeting at 5:15 pm.

A True Record: Attest

Kaari Mai Tari  
Town Clerk